

Little Traverse Bay Bands of Odawa Indians
Legal and Legislative Committee

7500 Odawa Circle, Harbor Springs, MI 49740
Tribal Council Chambers

March 5, 2014

Call to Order: 10:25 a.m.

Committee Member Roll Call: Legislative Leader Bentley, Secretary Shananaquet, Councilor Law.

3-present, 0 absent

Council Members: Councilor Denemy, Councilor Keshick, Councilor Otto, Councilor Naganashe, Councilor Wemigwase

LTBB Legislative Staff: Legislative Office Manager Michele LaCount.

LTBB Executive Staff: Vice-Chairperson Deb DeLeon

Guest:

Adoption of agenda:

Motion made by Councilor Law and supported by Legislative Leader Gasco Bentley to adopt the agenda of March 5, 2014.

Yes -3, No- 0, Abstained - 0, Absent - 0

Motioned Carried.

Minutes:

Motion made by Secretary Shananaquet and supported by Councilor Law to approve the minutes of February 5, 2014, as corrected.

3-Yes, 0-No, 0-Abstained, 0-Absent

Motioned Carried.

Phone Poll: None

Enjinaaknegeng Statute Amendment – This Legislation was newly introduced and Committee/Council needs additional time to review. This and the Separation of Power Statute will be placed on the next L&L agenda.

Tort Statute - Executive Services Attorney Diane Vitols presented the L & L committee with proposed changes to the NAAWCHIGEDAA STATUTE - TORT CLAIMS, Addition to Section VII – Defenses, Subsection (f) – Sovereign Immunity (pg. 13), “Acting within scope of duties or authority”, Addition to Section VI – Causes of Action, subsection 3 – Malpractice (pg. 8) – Nuisance Medical Malpractice.

Executive Services Attorney Diane Vitols has requested an opportunity to work with Legislative Services Attorney Budnick and Councilor Wemigwase, sponsor of legislation.

11:39 a.m. Break
11:55 a.m. Resume

Contract Statute Veto

Discussion: Construction Contracts, Limit on Construction Defect Remedies (i.e. breach before construction, breach during construction and late in completing construction) , Employment Contracts, and Sovereign Immunity Waiver. Legislative Leader Gasco Bentley, sponsor of legislation will work with Legislative Services Attorney and Executive Service and will bring back to the LL committee

Donated Land Acceptance Statute – Table until next meeting

Elders Commission – No action taken

Discussion: Councilor Law brought up KIKAAJIK Statute and raised questions regarding the Elder's department statute and what changes occurred changing from a program to a department. Changes include: Title change for the department and head of department, wages still remain the same as well as the services to citizens. Councilor Law raised question on the development of Administrative Procedures Councilor Law stated that Citizens don't know that KiKaajik means elder.

Old Business

Shirley Naganashe Oldman Regulations – still waiting for formal action from Executive regarding regulations.

Amendment to WOS 2011-002 Medical Marijuana Patient Protection – will be sent to Tribal Council for review and possible passage.

Gaming Enterprise Statute (2) – Recommend work session with full council.

12:36 p.m. Public comment opens
12:36 p.m. Public comment closes

12:38 p.m. Motion made by Secretary Shananaquet and supported by Legislative Leader Gasco Bentley to adjourn.

3-Yes, 0-No, 0-Abstained, 0-Absent
Motioned Carried.

Next meeting date: April 2, 2014 @ 10:00 a.m.